

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GREGG SMITH,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-00919

DAVID BALLARD,

Defendant.

ORDER

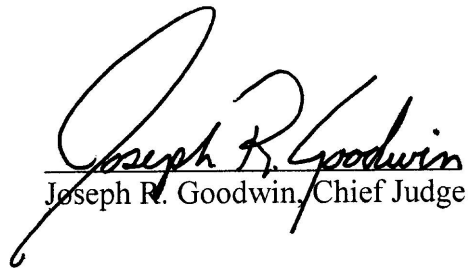
On July 16, 2010, this court received a letter from the plaintiff requesting injunctive relief against the staff at Mount Olive Correctional Complex [Docket 1]. The court construed this letter as a civil action, docketed the letter as a Complaint, and mailed the appropriate civil action forms to the plaintiff [Docket 2]. This Complaint was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and a recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Stanley has submitted findings of fact and has recommended that the court dismiss the plaintiff's Complaint [Docket 4]. Thereafter, the plaintiff sent this court a letter containing: (1) Objections to the Magistrate Judge's Proposed Findings and Recommendation; (2) a Motion for Extension of Time to Reprocess Forms and Obtain Injunctive Relief; (3) a Motion to Appoint an Attorney; and (4) a Motion for Immediate Injunction Demanding the Return of the Plaintiff's Property [Docket 5].

When a Magistrate Judge issues a recommendation on a dispositive matter, the court reviews *de novo* those portions of the Magistrate Judge's report to which specific objections are filed. *See*

28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). When a party files an objection that is too general or conclusory to focus attention on any specific error supposedly committed by the Magistrate Judge, the court need not conduct a *de novo* review. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005); *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Moreover, when a party fails to object to a portion of the Magistrate Judge's report, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Diamond*, 416 F.3d at 315.

Having reviewed the plaintiff's motions, this court **FINDS** that the plaintiff's letter did not contain any specific objections to the Magistrate Judge's Proposed Findings and Recommendation. There is no clear error on the face of the record. Accordingly, the court **ADOPTS** and incorporates herein Magistrate Judge Stanley's Proposed Findings and Recommendation, and **ORDERS** that the Complaint be dismissed and stricken from the docket of this court [Docket 1]. The court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: November 22, 2010


Joseph R. Goodwin, Chief Judge